

Rule 375-5-1-.17 Suspension or Revocation of License of Clinic and/or Instructor

- (1) The Department may suspend or revoke the license or certificate of any Driver Improvement Clinic or any instructor, employee or agent thereof for any violation of the law, rules or regulations relating to the operation of a Driver Improvement Clinic. All license(s) and/or certificate(s) will be sent to the Department immediately upon demand unless the license or certificate holder seeks to appeal the Department's order pursuant to Ga. Comp. R. & Regs. R. 375-1-1-.06. ~~as provided in the Administration Procedure Act.~~
 - (a) The affected clinic will not operate in any capacity while it is under any suspension or revocation.
 - (b) The revocation or suspension becomes effective on the date indicated by the Department's order, but no time will be credited on the revocation or suspension until the affected license(s) or certificate (s) have been received by the Department.
- (2) Actions which may lead to the suspension or revocation of a license or certificate shall include, but shall not be limited to the following:
 - (a) Any conviction of an instructor or clinic operator of a felony or any crime involving violence, dishonesty, deceit, fraud, indecency or moral turpitude.
 - (b) Knowingly presenting false or misleading information to the Department.
 - (c) Addiction or habitual use of alcohol or dangerous or narcotic drugs by an instructor or operator.
 - (d) The failure of any instructor to teach within the guidelines as prescribed in the rules and regulations or who demonstrates a lack of ability to instruct in the driver improvement program.
 - (e) Failure or refusal to permit the Department to inspect a clinic, its class, instruction records or any operation of the facility pertaining to the clinic.
 - (f) Failure or refusal to submit to the Department any application for a license or certificate in the manner prescribed by the Department.
 - (g) Failure to maintain proper standards in instruction, instructors, equipment or teaching facilities sufficient to operate a clinic.
 - (h) Employing an instructor, teacher or agent that is not certified by the Department.
 - (i) Any change of ownership or controlling stockholders of a school without immediately notifying the Department.
 - (j) Whenever any owner, instructor, employee or agent has aided or assisted any person in obtaining a driver's license and/or reinstatement of a driver's license by dishonest or fraudulent means.
 - (k) Failure of the driver improvement clinic or instructor to notify the Department immediately in writing of any reportable accident involving its instructors, any

revocation, suspension, or cancellation of the driver's license of any instructor, or any charge made against an instructor of the clinic as a result of a violation of the motor vehicle laws.

- (l) Failure of the Driver Improvement Clinic to maintain a telephone for the exclusive use of the clinic.
 - (m) If a person holds one or more licenses as a Driver Improvement Clinic owner(s) and/or instructor and one is suspended or cancelled, this may be grounds in itself for all licenses issued to that person to be suspended or cancelled.
 - (n) When a Driver Improvement Clinic and/or instructor operates or instructs while license is expired.
- (3) The Department may impose a monetary fine in addition to, or in lieu of, the suspension or revocation of a license for any violation of Georgia law or the regulations governing driver improvement clinics.

Authority: O.C.G.A. §§ 40-5-4, 40-5-83, 40-5-88.

SYNOPSIS

STATEMENT OF PURPOSE AND MAIN FEATURES OF PROPOSED RULE

The purpose of this amendment is to reference the new single appeal rule where all applicable procedures can be found.

DIFFERENCE BETWEEN EXISTING AND PROPOSED RULES

This proposed amendment adds reference to the new single appeal rule, Ga. Comp. R. & Regs. R. 375-1-1-.06.